

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 433 be amended to read as follows:

- 1 Page 4, between lines 35 and 36, begin a new paragraph and
- 2 insert:
- 3 "SECTION 10. IC 9-23-2-2, AS AMENDED BY P.L.184-2007,
- 4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2009]: Sec. 2. (a) An application for a license under this
- 6 chapter must:
- 7 (1) be accompanied by the fee required under IC 9-29-8;
- 8 (2) be on a form prescribed by the secretary of state; ~~and~~
- 9 (3) contain the information the secretary of state considers
- 10 necessary to enable the secretary of state to determine fully the
- 11 following information:
- 12 (A) The qualifications and eligibility of the applicant to
- 13 receive the license.
- 14 (B) The location of each of the applicant's places of
- 15 business in Indiana.
- 16 (C) The ability of the applicant to conduct properly the
- 17 business for which the application is submitted; **and**
- 18 **(4) contain evidence of the bond required in subsection (e).**
- 19 (b) An application for a license as a dealer must show whether the
- 20 applicant proposes to sell new or used motor vehicles, or both.
- 21 (c) An applicant who proposes to use the Internet or other
- 22 computer network in aid of its sale of motor vehicles to consumers in
- 23 Indiana, which activities may result in the creation of business records
- 24 outside Indiana, shall provide the division with the name, address, and
- 25 telephone number of the person who has control of those business
- 26 records. The secretary of state may not issue a license to a dealer who
- 27 transacts business in this manner who does not have an established
- 28 place of business in Indiana.
- 29 (d) This subsection applies to an application for a license as a
- 30 dealer in a city having a population of more than ninety thousand
- 31 (90,000) but less than one hundred five thousand (105,000). The
- 32 application must include an affidavit from:

1 (1) the person charged with enforcing a zoning ordinance
2 described in this subsection; or
3 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
4 who has jurisdiction over the real property where the applicant wants
5 to operate as a dealer. The affidavit must state that the proposed
6 location is zoned for the operation of a dealer's establishment. The
7 applicant may file the affidavit at any time after the filing of the
8 application. However, the secretary of state may not issue a license
9 until the applicant files the affidavit.
10 **(e) A licensee shall maintain a bond satisfactory to the**
11 **secretary of state in the amount of twenty-five thousand**
12 **dollars (\$25,000), which must:**
13 **(1) be in favor of the state; and**
14 **(2) secure payment of fines, penalties, costs, and fees assessed**
15 **by the secretary of state, after notice, opportunity for a**
16 **hearing, and opportunity for judicial review, in addition to**
17 **securing the payment of damages to a person aggrieved by a**
18 **violation of this chapter by the licensee after a judgment has**
19 **been issued.**
20 **(f) Service shall be made in accordance with the Indiana Rules**
21 **of Trial Procedure."**
22 Page 6, delete lines 13 through 23, begin a new paragraph and
23 insert:
24 "SECTION 17. IC 9-29-8-7, AS AMENDED BY P.L.106-2008,
25 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2009]: Sec. 7. All money collected by the secretary of state
27 from manufacturers, factory branches, distributors, distributor
28 branches, dealers, automobile auctioneers, factory representatives,
29 distributor representatives, wholesale dealers, transfer dealers,
30 converter manufacturers, or brokers for licenses and permit fees under
31 IC 9-23-2 shall be deposited as follows:
32 (1) Thirty percent (30%) to the dealer compliance account
33 established by IC 9-23-2-18.
34 (2) ~~Seventy percent (70%)~~ **Forty percent (40%)** to the motor
35 vehicle highway account.

36 **(3) Twenty percent (20%) to the state police for use in**
37 **enforcing odometer laws.**
38 **(4) Ten percent (10%) to the attorney general for use in**

- 1 **enforcing odometer laws."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 433 as printed February 20, 2009.)

Senator MERRITT